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C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 007034

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SUBJECT: TROUBLE BREWING BETWEEN JUDGES CLUB AND JUSTICE
MINISTER

REF: A. CAIRO 5384

1B. CAIRO 3993

1C. CAIRO 3006

1D. 05 CAIRO 6539

Classified By: Minister-Counselor for Economic and Political Affairs
William R. Stewart, for reasons 1.4 (b) and (d).

11. (C) SUMMARY: Tensions have been on the rise between Egypt's influential Judges Club and the new Minister of Justice for the past several months, with friction centering around the Minister's reported decision to halt payment of government subsidies to the reform-minded Club. Following strong rhetoric from the judges, the Minister in recent days has seemed to take a more conciliatory tone. While it appears that tensions have diminished for the moment, emotions remain high, and further disputes are anticipated between the Club and the GOE during the upcoming constitutional amendments process, particularly regarding the possible change to the constitutional stipulation mandating judicial supervision of elections (Article 88). Any attempts by the government to restrict or manipulate the judicial supervisory role during the spring national referendum on the constitutional amendments, and the subsequent 2007 Shoura Council elections, would likely put the Judges Club and MOJ on course for another major face-off. END SUMMARY.

12. (C) Since the appointment of Mamdouh Marei as Minister of Justice in August (ref A), tensions have been on the rise between him and Egypt's influential Judges Club. The independent-minded Judges Club (the professional organization of Egypt's judiciary, which was at the center of a dispute with the GOE earlier this year over electoral fraud (ref C), prompting major demonstrations and a violent police reaction) was dismayed from the start with Marei's appointment, due to his controversial former role as head of the Presidential Elections Commission charged with overseeing the conduct of balloting in the 2005 presidential race. Club officials reportedly regarded Marei's appointment as a reward for "complicity" in largely ignoring elections violations, and were concerned that he was appointed in part to take a strong hand in "punishing" the Club in response to its assertive pro-reform and pro-judicial independence role.

13. (SBU) So far, Marei has done little to ease the Club's anxieties: he reportedly halted payment of a 1 million LE (\$175,000) MOJ subsidy to the Club (its main source of funding), and did not respond to invitations from both the Cairo and Alexandria Judges Clubs to meet (as his predecessors had in the past). The MOJ-Judges Club relationship was further bruised when Marei chose not to attend the Club's annual Ramadan iftar (resulting in the cancellation of the event), and the electricity to both the Cairo and Alexandria Clubs was temporarily cut off due to

non-payment of bills. The State Council Judges Club (a subsidiary of the Cairo Club) subsequently appealed publicly to PM Ahmed Nazif to mediate the dispute (Nazif did not respond). Soon after, Marei announced that the MOJ would provide direct interest-free loans to all judges, as well as enhanced health insurance coverage and other services; this move caused alarm among Judges Club advocates, who viewed the Minister's announcements as an attempt to usurp the Club's traditional role of providing such services to judges.

¶4. (C) In a November 13 "Open Letter to the Minister of Justice" published in independent daily Al-Masry Al-Yom, Mahmoud El-Khodeiry, the head of the Alexandria Club, complained about Marei's attempts to "destroy" the Judges Club, and wrote, "The Judges Club and its men are here for the service of justice and to serve you, Marei, but only if you are willing to reform the judiciary. If you intend otherwise, then the Judges Club and its people will be the first to stand up against you and fight you to defend justice and rights to the last drop of their blood." Influential jurist and prominent Club member Hisham El Bastawisi recently foreshadowed another GOE-Judges Club crisis similar to that which occurred in spring of 2006 (ref C), telling poloff that if the GOE continued to be "totally unresponsive" to the judges' attempts to address disagreements, the judges will "take things to another level" by "going to the streets, making their case to the Egyptian people."

¶5. (C) Other Judges Club leaders have warned publicly of "options" that they could take against the Minister, including street demonstrations and lawsuits against Marei. Tensions were further stoked by reported statements against the Minister at the annual Judges Club Assembly on November 17, where the judges, in an endorsement of the Club's

CAIRO 00007034 002 OF 002

reformist stance over the past year, elected new board members who were supported by current Club chairman Zakaria Abdel Aziz. European Commission diplomats in Cairo told poloffs that in late November the Judges Club took the unprecedented step of meeting with a delegation of European parliamentarians, and separately with a visiting representative from the Euro-Med Justice Project, during which possible direct financial support from the Europeans to the Judges Club was discussed. The Cairo Judges Club has also reportedly raised its monthly membership fees to 20 LE (roughly \$4), and the Alexandria Club to 5 LE (\$1) in order to stay fully operational without the normal MOJ subsidies.

¶6. (SBU) In an apparent attempt to avoid, or at least postpone, a full-blown showdown, Marei seemed to take a more conciliatory role towards the Club in recent days, telling opposition newspaper Al Wafd on November 28 that, "I am still new at the Ministry, and I have the right to learn how our budget is spent. What happened is that I only asked to review the Club's budget." Marei also noted that he has ordered the payment of 400,000 LE (approximately \$70,000) to the State Council Judges Club, and that the MOJ would provide monies for numerous judges to make the hajj pilgrimage to Mecca.

¶7. (C) COMMENT: While it appears that tensions have diminished somewhat for the moment, emotions remain high. Although the funding issue is the flashpoint for current friction, it occurs against a backdrop of judicial upset over the June passage of a new judiciary law which the Judges Club found disappointing (ref B) to the extent that the Club is reportedly now drafting new proposed legislation, as well as judicial concern over the potential amendment of constitutional Article 88, which provides for judicial supervision of elections (a role the Judges Club holds dear). During its annual Assembly, the Judges Club endorsed a platform that Articles 88 and 41 (which prohibits search and detention of citizens, absent a judicial warrant; GOE contacts argue that until this article is revised, the state of emergency cannot be lifted, and a new Anti-Terror law

cannot be implemented) should not be amended during the upcoming constitutional reform process. Should the government choose to amend those articles, we can expect further strong criticism from the Judges Club, and perhaps even Club-led protests. Any attempts by the government to restrict or manipulate the judicial monitoring role during the anticipated spring national referendum on the constitutional amendments package and the Shoura Council elections in late spring would likely put the Judges Club and MOJ on course for another major face-off.

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